

Message Text

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ACTION IO-14

INFO OCT-01 AF-10 EUR-12 NEA-10 ISO-00 ARA-10 EA-07
CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03 NSAE-00
NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 OMB-01
TRSE-00 DHA-02 AID-05 ACDA-07 /124 W
-----015951 010108Z /72

R 302308Z JUN 77
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 4309
INFO AMEMBASSY ALGIERS
AMEMBASSY BONN
AMEMBASSY DAR ES SALAAM
AMEMBASSY GABORONE
AMEMBASSY LAGOS
AMEMBASSY LIBREVILLE
AMEMBASSY LONDON
AMEMBASSY LUSAKA
AMEMBASSY MAPUTO
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY PRETORIA

C O N F I D E N T I A L SECTION 1 OF 2 USUN 2105

E.O. 11652: GDS
TAGS: PFOR, US, UN, SF, WA
SUBJ: BRIEFING OF COUNCIL FOR NAMIBIA ON CAPE TOWN TALKS

REF: USUN 1964

1. EVENING OF JUNE 27, WESTERN FIVE PRESENT IN CAPE TOWN
(MCHENRY-US, MURRAY-UK, LAPOINTE-CANADA, VERGAU-FRG,
GARRIGUE-GUYONNAUD-FRANCE) GAVE BRIEFING TO COUNCIL FOR
NAMIBIA, BUREAU (ZAMBIA, ROMANIA, INDIA, MEXICO, ALGERIA,
YUGOSLAVIA, GUYANA, AND SENEGAL). ACTING AS SPOKESMAN,
AMB MCHENRY FOLLOWED LINES OF REFTEL. NEW COUNCIL PRESIDENT
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KONIE OF ZAMBIA EXPRESSED THANKS FOR BRIEFING AND SAID THAT
NO OTHER GROUP WAS BETTER QUALIFIED TO WORK ON A SOLUTION
BECAUSE OF THE ECONOMIC LEVERAGE THE FIVE COULD BRING TO
BEAR ON SOUTH AFRICA. SHE SAID THIS LEVERAGE HAS
ACHIEVED THE APPARENT ACQUIESCENCE BY THE SAG IN SOME
POINTS BUT THAT DURING THIS PROCESS, PERHAPS INADVER-
TENTLY OR BY DESIGN, THE COUNCIL HAS BEEN ALMOST

COMPLETELY IGNORED. KONIE SAID THAT THOSE OF THE COUNCIL WHO WERE BRIEFED IN MAPUTO HAD COMMENTED THAT IT HAD BEEN DONE IN AN OFF-HAND MANNER THAT LEFT MUCH TO BE DESIRED. SHE SAID THAT THE COUNCIL BELIEVES WHOLE SEARCH FOR SOLUTION SHOULD BE BASED ON ALL UN RESOLUTIONS--GA AND SC.

2. KONIE CONTINUED THAT THIS EXPLORATORY SEARCH MIGHT BE COMMENDABLE, AS LONG AS EXPLORERS ADHERE STRICTLY TO RES 385. SHE SAID THAT AT SOME POINT ALL OF THE POSITIVE ELEMENTS OF A SOLUTION WILL HAVE TO BE BROUGHT TO SECURITY COUNCIL FOR THE STAMP OF RESPECTABILITY BY THE UN AS A WHOLE. SHE STATED THAT THE NATURE OF UN INVOLVEMENT HAS TO BE DECIDED BY UN AND INTERESTED POLITICAL ORGANIZATIONS; NOT BY SAG OR, PERHAPS INADVERTENTLY, BY WESTERN FIVE NEGOTIATING TEAM. KONIE THEN ASKED ABOUT THE ADMINISTRATOR-GENERAL AND HIS RELATIONSHIP TO SYG SPECIAL REP; WHETHER UN MACHINERY HAD BEEN DISCUSSED WITH THE SAG; THE PRESENCE IN NAMIBIA OF THE SAG ARMY AND POLICE; AND WALVIS BAY.

3. MCHENRY ANSWERED THAT THE FIVE WOULD NOT PUT THEIR ROLE IN TERMS OF THEIR ECONOMIC DOMINANCE OVER SOUTH AFRICA, THE FACT IS THAT THE WESTERN FIVE SECURITY COUNCIL MEMBERS, FOR WHATEVER REASONS, ARE IN POSITION TO CARRY ON DIALOGUE WITH THE SAG. HE SAID THAT SOME MEMBERS OF THE COUNCIL HAD SAID THAT THE FIVE SHOULD GO AHEAD AND

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TALK WITHOUT A SPECIFIC SC MANDATE, AND THAT THE ACTIVITIES OF THE FIVE ARE CONSISTENT WITH MANY GA RESOLUTIONS. HE CONTINUED THAT THE FIVE HAVE NO MANDATE TO NEGOTIATE WITH SOUTH AFRICA AND THEREFORE COULD NOT REACH AGREEMENT WITH THEM, BUT COULD ONLY MAKE SUGGESTIONS AND SERVE AS MIDDLEMEN. MCHENRY SAID THAT ALL HAVE TO REALIZE THAT CERTAIN MACHINERY HAS BEEN ERECTED ON BOTH SIDES TO BUILD UP LEGAL BASIS OF LEGAL ARGUMENTS. ONE OF THE PARTIES CONCERNED IS THE UN AND ITS VARIOUS ORGANS. THUS IT IS BOTH USEFUL AND NECESSARY FOR THE FIVE TO HAVE A DIALOGUE WITH THE BUREAU OF THE COUNCIL, AND IT IS NECESSARY ULTIMATELY TO HAVE SOME KIND OF MANDATE FROM UN AND THE SC. HOWEVER, THE QUESTION IS: HAS THE PROCESS OF GIVE AND TAKE GONE FAR ENOUGH FOR THE ISSUE TO GO TO THE COUNCIL? MCHENRY STATED THAT IT IS FAIR TO SAY THAT IT HASN'T.

4. CONCERNING THE ISSUE OF LEGALITY, MCHENRY SAID THAT THE FIVE ARE TRYING TO REACH MIDDLE GROUND BETWEEN THE CONFLICTING LEGAL POSITIONS THAT HAVE BUILT UP OVER THE PAST 30 YEARS, SINCE NEITHER SIDE WAS GIVING IN. IN THE END, FOR INSTANCE, THE SAG MAY SAY THAT IT IS "INVITING" A SPECIAL REPRESENTATIVE OF THE SYG WHILE THE SECURITY

COUNCIL MAY PREFER TO "DIRECT" THE SYG TO CARRY OUT HIS RESPONSIBILITIES THERE. ON AMB KONIE'S QUESTION ABOUT WHETHER UN MACHINERY WAS DISCUSSED WITH SAG, MCHENRY REPLIED THAT THIS IS MATTER FOR SYG TO DECIDE, BUT THAT THE FIVE WOULD LIKE TO SEE THE SYG LAY OUT HIS PLANS AND SAY "THIS IS WHAT I NEED". MCHENRY SAID THAT THE SOONER THAT UN MACHINERY IS LAID OUT, THE SOONER THERE WILL BE UNDERSTANDING OF THE RELATIONSHIP BETWEEN THE ADMINISTRATOR-GENERAL AND THE SPECIAL REPRESENTATIVE; UNTIL THEN, THE SAG MACHINERY WILL LOOM LARGE IN THE PERCEPTION OF THE PARTIES INVOLVED. OPERATIONAL REQUIREMENTS SHOULD DECIDE WHAT MACHINERY IS NEEDED.

5. MCHENRY SAID THAT THE PRESENCE OF SAG POLICE AND MILITARY IN NAMIBIA IS A FUNDAMENTAL PROBLEM. THIS IS REALLY A CONFIDENTIAL

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QUESTION OF CONFIDENCE, HE SAID, BECAUSE THE SOUTH AFRICANS HAVE BEEN SUCH BASTARDS FOR SO LONG, NO ONE HAS ANY CONFIDENCE THAT THEY'LL CARRY OUT ANYTHING. THIS MAKES IT EVEN MORE IMPORTANT THAT UN MACHINERY HAS TO BE SPELLED OUT. THUS THERE MUST BE A PLAN FOR THE PHASED AND PROGRESSIVE WITHDRAWAL OF THE SAG MONITERED BY THE SYG. AS TO THE QUESTION OF WHAT HAPPENS TO THE SAG UNITS BEFORE THEY ARE WITHDRAWN, MCHENRY POINTED OUT THAT THE SPECIAL REPRESENTATIVE IS RESPONSIBLE TO ENSURE THAT THERE IS NO INTIMIDATION FROM ANY QUARTER.

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C O N F I D E N T I A L SECTION 2 OF 2 USUN 2105

6. TO KONIE'S QUESTION ABOUT WALVIS BAY, MCHENRY OBSERVED THE FIVE HAD TOLD THE SAG THAT WALVIS BAY WOULD BE A POINT OF STRONG DEBATE. HE SAID THAT THE SAG HAD REACTED EMOTIONALLY AND HAD CITED LONG LINE OF LEGAL INFORMATION ARGUING THAT WALVIS BAY WAS PART OF SOUTH AFRICA.

7. AMB JAIPAL OF INDIA FIRST POINTED OUT ACCOMPLISHMENTS OF THE FIVE; THEY HAD ELICITED TWO COMMITMENTS FROM SOUTH AFRICA: THE SAG IS WILLING TO WITHDRAW FROM NAMIBIA, AND THE SAG IS READY TO GIVE INDEPENDENCE TO THAT COUNTRY. THEN JAIPAL ASKED WHY THE SAG COULDN'T REPEAL DISCRIMINATORY LAWS, ALLOW THE RETURN OF EXILES, AND RELEASE POLITICAL
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PRISONERS IMMEDIATELY, RATHER THAN APPOINTING AN ADMINISTRATOR-GENERAL TO DO THE SAME THING. ALSO JAIPAL ASKED WHY THE SAG COULDN'T HAND OVER SWA TO THE UN OR TRUSTEES CHOSEN BY THE UN TO ADMINISTER THE ELECTIONS.

8. MCHENRY REPLIED THAT, WHETHER THE FIVE OR OTHERS AGREE OR NOT, THE SAG MAINTAINS THAT THEIR DOMESTIC SITUATION PUTS A LIMIT ON THE "DEFEAT" THAT THEY CAN TAKE. THUS IT IS IMPORTANT, FROM THE SAG POINT OF VIEW, FOR THEM TO BE ABLE TO SAY, "WE DIDN'T RELEASE THE PRISONERS -- THE ADMINISTRATOR-GENERAL DID IT." IF NOT, MCHENRY SAID THE QUESTION MIGHT BE ASKED OF THE SAG, "WHY CAN'T YOU DO THAT AT HOME?". SAG DOMESTIC CONSIDERATIONS REQUIRED THEM TO GO THROUGH CONTORTIONS SUCH AS OCCURRED IN THE PUBLIC ANNOUNCEMENT OF THE REPLACEMENT OF THE CENTRAL ADMINISTRATIVE AUTHORITY, AND THE END OF TURNHALLE. MCHENRY OBSERVED THAT IT IS NECESSARY FOR OTHERS TO UNDERSTAND THE SAG POINT OF VIEW IN ORDER TO ACCOMPLISH SOMETHING. THE SAME POINT PERTAINS TO UN INVOLVEMENT AND LAPOINTE OBSERVED THAT IT ALSO PERTAINS TO THE REPEAL OF DISCRIMINATORY LAWS. CONCERNING HANDING OVER POWER TO THE UN, MCHENRY SAID THIS GETS BACK TO THE SAG VIEW ON INTERNATIONAL LAW: THE LEAGUE OF NATIONS, THE BODY THAT FORMERLY HAD CONTROL OF THE REGION, DOES

NOT NOW EXIST.

9. ALGERIAN COUNSELOR SEMICHI THEN STATED THAT THE FIVE WERE NEGOTIATING WITH SAG IN DEFIANCE OF UN RESOLUTIONS; THAT THE FIVE DO NOT HAVE A MANDATE. HE ASKED IF THE FIVE EXPECT THE COUNCIL TO 1) CONDONE A SITUATION IN WHICH SWAPO IS ONLY ALLOWED TO PARTICIPATE IF THEY END THEIR ARMED STRUGGLE AND LAY DOWN THEIR ARMS; AND 2) CONDONE ELECTIONS WHEN SAG TROOPS WILL BE PRESENT BEFORE, DURING AND AFTER THE ELECTIONS. SEMICHI CLAIMED THAT FIVE HAD CONFIDENTIAL

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LEFT OUT PARTS OF RES 385 (ALTHOUGH HE WAS NOT ABLE TO PROVIDE SPECIFICS WHEN CHALLENGED), AND SAID THAT SWAPO WAS STILL OPPOSED TO WESTERN FIVE INITIATIVE.

10. MCHENRY OBSERVED THAT HE AND THE REPRESENTATIVE OF ALGERIA SEEMED TO BE TWO TRAINS PASSING IN THE NIGHT; THAT NO AGREEMENT HAS BEEN REACHED, BUT THAT THE TALKS WERE ONLY EXPLORING A BASIS FOR THE RESOLUTION OF THIS PROBLEM, AND THAT NO ONE ELSE HAS DONE THIS IN 31 YEARS. FIVE HAVE WORKED ON BASIS OF 385 WHICH WAS PASSED UNANIMOUSLY AND WHICH SWAPO SAYS IT SUPPORTS. FIVE HAVE BEEN IN CONTACT WITH SWAPO SINCE THE BEGINNING, AND, ALTHOUGH THERE ARE SOME THINGS WITH WHICH THEY DISAGREE, THEY HAVE ENCOURAGED THE FIVE TO BREAK THE EXISTING IMPASSE. AFTER ALL, MCHENRY SAID, DIPLOMACY IS THE ART OF REDUCING THE AREAS OF CONFLICT AND DISAGREEMENT. HE SAID THAT THE FIVE ARE FULLY AWARE OF THE SKEPTICISM AND SUSPICION SURROUNDING THEIR EFFORTS, AND THAT THIS PARTICULAR EFFORT MIGHT FAIL, LEADING TO MORE FIGHTING AND BLOODSHED; BUT THAT IT WAS THE DUTY OF UN MEMBER STATES TO SEEK A JUST SOLUTION.

1. WHEN SEMICHI ASKED IF THE FIVE EXPECT SWAPO MILITANTS TO LAY DOWN THEIR ARMS, MCHENRY REPLIED THAT NO, HE DIDN'T EXPECT THEM TO DO SO UNTIL THEY DECIDE THAT PROCESS IS SATISFACTORY, AND THAT THIS WAS THEIR DECISION TO MAKE.

12. ZAMBIAN MISOFF SIKAULU QUESTIONED WHY THE FIVE WENT TO WINDHOEK AND WHY THEY DIDN'T REQUEST VISAS FROM THE COUNCIL. ALSO, AMB KONIE ASKED IF THE ISSUE OF SOUTH AFRICAN COMPENSATION FOR THE MONEY IT HAD TAKEN OUT OF NAMIBIA HAD COME UP DURING THE TALKS.

13. MCHENRY SAID THAT FIVE HAD GONE TO NAMIBIA TO BRIEF ALL NAMIBIANS WHO WANTED TO HEAR ABOUT THE CAPE TOWN TALKS. ON THE QUESTION OF VISAS, MCHENRY SAID THE FIVE WILL TRY TO CONFIDENTIAL

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AVOID FOLLOWING ANY ONE LEGAL POSITON. THE FIVE NEITHER
ASKED THE SOUTH AFRICANS NOR THE COUNCIL ON NAMIBIA FOR VISAS.
CONCERNING COMPENSATION, MCHENRY OBSERVED THAT THE SAG HAD
BROUGHT THIS UP, LOOKING FOR COMPENSATION FROM NAMIBIANS FOR
THEIR INVESTMENTS IN THAT TERRITORY. AMB KONIE SAID WITH
A SMILE THAT THEY WOULD HAVE TO GO TO COURT, AGAIN THANKED
THE FIVE FOR THE BRIEFING AND ENDED THE MEETING.
YOUNG

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Message Attributes

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Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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Review Exemptions: n/a
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Review Release Date: n/a
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SAS ID: 1989427
Secure: OPEN
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TAGS: PFOR, PDEV, US, GE, CA, FR, UK, SF, WA, UN, COUNCIL FOR NAMIBIA
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